

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, April 10, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - 7:00 p.m. - 2007 Street Improvement Program.

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The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

- * 06-0410-01 Mark and Kimberly Gilbertson petition to reclassify from S-2 to R-1-a the property described as Lots 1 through 5, including Lots 62 through 66, Lakewood Division Duluth. -- Assessor
- * 06-0410-02 Stephen and Susan Nelson petition to vacate 12th Avenue West street easement that lies between Lot 193, Block 66, and Lot 191, Block 65, in Duluth Proper Third Division. -- Assessor
- * 06-0410-03 Scott and Sue Hansen communication regarding reclassification from R-1-b to C-2 the property located at the northeast corner of Trinity Road and Anderson Road (06-009-O). -- Received
- * 06-0410-04 Greg S. Toon appeal of planning commission approval of a water resources management ordinance variance for site excavation at 3802 Trinity Road (granted to Scott Hansen, Hansen's Auto Service). -- Committee 2 (Planning and economic development)

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

- * 06-0410-05 Assessor:
 - (a) Affidavit of mailing of notice of informational meeting at 5:00 p.m. on April 5, 2006, and a Duluth City Council public hearing at 7:00 p.m. on April 10, 2006, both to be held in the Council Chamber, Third Floor, City Hall, regarding the proposed 2007 street improvement program – Duluth Heights and Lakeside. -- Clerk
 - (b) Letters of sufficiency regarding petitions to:
 - (1) Reclassify from S-2 to R-1-a the property described as Lots 1 through 5, including Lots 62 through 66, Lakewood Division Duluth;
 - (2) Vacate the alley adjacent to Blocks 1 and 2, and 101st Avenue West adjacent to Block 1, Riverside Park Second Addition;
 - (3) Vacate 28th Avenue East between East Eighth Street and Elizabeth Street. -- Received
- * 06-0410-06 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffles) from:
 - (a) MN AIDS Trek on September 10, 2006;
 - (b) St. Luke's Foundation on July 10, 2006. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 06-0410-07 Duluth airport authority minutes of February 21, 2006, meeting. -- Received
- * 06-0410-08 Duluth transit authority:
 - (a) December 2005 income statement;
 - (b) Minutes of January 25, 2006, meeting. -- Received
- * 06-0410-09 Library board minutes of February 28, 2006, meeting. -- Received
- * 06-0410-10 Parking commission minutes of February 21, 2006, meeting. -- Received
- * 06-0410-11 Spirit Mountain recreation area authority minutes of February 16, 2006, meeting. -- Received

* Listed only, not copied.

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REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

- Comprehensive plan
- Planned unit development

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0214R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO JUST TAKE ACTION, INC. (BREWHOUSE BURRITO), 1332 EAST FOURTH STREET. (TABLED 3/28)

COMMITTEE 2

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0210R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR PROVISION OF WORKFORCE INVESTMENT ACT TITLE I SERVICES, MINNESOTA YOUTH PROGRAM SERVICES AND OLDER AMERICAN PROGRAM SERVICES FOR PROGRAM YEARS 2006-2009. (TABLED 3/28 UNTIL 4/10) (REPLACEMENT)

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0202R - RESOLUTION AUTHORIZING AGREEMENT WITH BARR ENGINEERING COMPANY FOR PROFESSIONAL SERVICES FOR STUDY, ANALYSIS, RECOMMENDATIONS AND DESIGN FOR SEDIMENT CONTROL IN COFFEE AND MILLER CREEKS IN THE AMOUNT OF \$92,817. (TABLED 3/13 UNTIL 4/10) (REPLACEMENT)

COMMITTEE 3

BY COUNCILOR LITTLE

(PUBLIC SAFETY)

06-0188R - RESOLUTION ESTABLISHING PARKING METER ZONES IN CANAL PARK AND RATES AND TIME LIMITS THEREFORE. (TABLED 3/13) (REPLACEMENT)

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

COMMITTEE 1

BY COUNCILOR KRAUSE

(PURCHASING & LICENSING)

06-0241R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH KRECH, OJARD AND ASSOCIATES, INC., FOR PROVIDING CERTAIN CONSULTING SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE EAST DULUTH VEHICLE STORAGE FACILITY IN AN AMOUNT NOT TO EXCEED \$5,500.

06-0243R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH SAS+ASSOCIATES FOR PROVIDING CERTAIN PROFESSIONAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE LESTER PARK PEDESTRIAN BRIDGE REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$5,500.

06-0245R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH NORTHLAND CONSULTING ENGINEERS, LLP, FOR PROVIDING CERTAIN ENGINEERING AND ARCHITECTURAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE CITY HALL MASONRY RESTORATION, PHASE 3, IN AN AMOUNT NOT TO EXCEED \$15,000.

06-0247R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF SCANLON RIVER INN, INC. (PIONEER BAR), 323 WEST FIRST STREET.

06-0251R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO HERMANTOWN VOLUNTEER FIRE DEPARTMENT, 4015 AIRPARK BOULEVARD, AND COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

06-0252R - RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE OF SHOTZ BAR, INC. (SHOTZ BAR), 1321 COMMONWEALTH AVENUE.

06-0253R - RESOLUTION APPROVING THE 2:00 A.M. BEVERAGE LICENSE FOR BLACK RIVER MILLS, INC. (DUBH LINN PUB & BILLIARDS), 109 WEST SUPERIOR STREET.

06-0254R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MARSHALL SCHOOL, 1215 RICE LAKE ROAD.

06-0255R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH SOFTBALL PLAYERS ASSOCIATION AND DULUTH CURLING CLUB. (REPLACEMENT)

06-0256R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MARSHALL SCHOOL.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0248R - RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE FISCAL YEAR 2004 HOME PROGRAM HOUSING DEVELOPMENT PROJECTS PURCHASE/REHABILITATION/RESALE AGREEMENT WITH NEIGHBORHOOD HOUSING SERVICES EXTENDING THE TIME FOR CONSTRUCTION/REHABILITATION AND SUBMITTAL OF THE HOME PROGRAM COMPLETION REPORT.

06-0257R - RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY TO RECLASSIFY FROM CONSERVATION TO NONCONSERVATION AND TO OFFER FOR SALE A TAX FORFEITED PARCEL NOW WITHHELD FROM SALE IN CONSERVATION (FN 06012 - JAMES CARROLL).

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0250R - RESOLUTION AUTHORIZING EXECUTION OF A MAJOR SPONSORSHIP AGREEMENT WITH GRANDMA'S MARATHON-DULUTH, INC., FOR THE 2006 GRANDMA'S MARATHON AT A COST OF NOT TO EXCEED \$15,000, PLUS IN-KIND SERVICES.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0226R - RESOLUTION AWARDING A CONTRACT TO 3B'S SEWER AND DRAIN SERVICES FOR THE 2006 CURED-IN-PLACE PIPE (CIPP) REHABILITATION OF SANITARY SEWER LATERALS IN BASIN #1 (CITY JOB NO. 0548SN) IN THE AMOUNT OF \$798,169.90.

06-0244R - RESOLUTION AMENDING RESOLUTION 04-0335 TO REPLACE SERVICE ENGINEERING GROUP WITH ENGINEERING PARTNERS, LLC, TO PROVIDE PROFESSIONAL FIELD AND LABORATORY TESTING SERVICES FOR AN ESTIMATED TOTAL OF \$10,000.

06-0246R - RESOLUTION AWARDING A CONTRACT TO ULLAND BROTHERS, INC., FOR CONSTRUCTION OF MORGAN PARK WASTEWATER COLLECTION SYSTEM AND STREET IMPROVEMENTS - PHASE IV (CITY JOB NO. 0262SN/0262TR) IN THE AMOUNT OF \$1,822,320.

06-0258R - RESOLUTION AUTHORIZING PAYMENT OF \$23,620.08 TO SETTLE VARIOUS CLAIMS OF DAMAGE RESULTING FROM SEWER FAILURE NEAR 22ND AVENUE WEST AND AUTHORIZING RECOVERY OF CONTRIBUTION FROM ANY LIABLE PARTY.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0238R - RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT ADDENDUM WITH THE ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR A REDUCTION IN FEDERAL AND NSIP FUNDING OF \$4,206 WHICH WILL DECREASE THE TOTAL AMOUNT OF FUNDS AVAILABLE FOR SENIOR DINING TO NOT EXCEED \$264,778.

06-0239R - RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ST LOUIS COUNTY BOARD FOR THE FURNISHING OF HOME-DELIVERED MEALS FOR THE PERIOD FROM JANUARY 1, 2006, TO DECEMBER 31, 2006, AT THE REIMBURSEMENT RATE OF \$2.15 PER ELIGIBLE NONWAIVER MEAL AND \$5.94 PER ELIGIBLE WAIVER MEAL.

06-0242R - RESOLUTION APPROVING THE ACQUISITION OF CERTAIN PROPERTY BY THE DULUTH AIRPORT AUTHORITY FOR THE FUTURE EXPANSION OF RUNWAY 3-21 AT A COST OF \$150,000.

END OF CONSENT AGENDA

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The following entitled resolutions are also for consideration at this meeting:

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0216R - RESOLUTION RESCINDING RESOLUTION NOS. 05-0306 AND 05-0434 AND SETTING STANDARDS AND RULES FOR THE ANNUAL DEER HUNT.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0233R - RESOLUTION AWARDED A THREE YEAR CONTRACT TO CARLSON MEDIA, INC., FOR DEVELOPMENT AND PROMOTION OF PUBLIC AWARENESS ABOUT PRODUCT SAFETY AND UTILITY SERVICES NOT TO EXCEED \$84,900 IN 2006, \$85,000 FOR 2007 AND \$85,000 FOR 2008.

06-0249R - RESOLUTION ORDERING THE IMPROVEMENT KNOWN AS THE 2007 STREET IMPROVEMENT PROGRAM PURSUANT TO SECTION 61(b) OF THE HOME RULE CHARTER OF THE CITY OF DULUTH AT AN ESTIMATED COST OF \$2,926,300.

NEW 06-0262R - RESOLUTION SUPPORTING DULUTH CHILDREN'S MUSEUM FEDERAL EARMARK REQUEST FOR \$475,000 TO EXPAND EDUCATIONAL PROGRAM SERVICES AND SUPPORT TRAVELING EXHIBITIONS.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE FOR RECONSIDERATION

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

05-060-O - AN ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED; ADDING ARTICLE XXXIV - MINIMUM REQUIREMENTS FOR A DEVELOPMENT AGREEMENT.

(REPLACEMENT 2) (AMENDMENT)

The following entitled ordinance is to be read for the first time:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-012-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 23, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM S, SUBURBAN, TO R-1-B, SINGLE FAMILY RESIDENTIAL, R-2, TWO FAMILY RESIDENTIAL, AND R-3, APARTMENT RESIDENTIAL, THE PROPERTY BETWEEN TRINITY ROAD AND QUINCE STREET 300 FEET EAST OF ANDERSON ROAD (DAN AND TED STOCKE (COFFEE CREEK)).

The following entitled ordinances are to be read for the second time:

COMMITTEE 1

BY COUNCILORS KRAUSE AND LITTLE

06-011-O - AN ORDINANCE AMENDING SECTION 29C-9 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE CITY ATTORNEY'S DUTIES TO REPRESENT HUMAN RIGHTS COMPLAINANTS.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-006-O - AN ORDINANCE TO RENAME DENIM DRIVE TO DENIM STREET (SACKETTE).

06-008-O - AN ORDINANCE AMENDING ORDINANCE NO. 8792, TO EXPAND THE USES WITHIN THE SKYWAY OVER LAKE AVENUE IN THE CITY OF DULUTH (WELCH BUILDING LLC).

06-009-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 23 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE FAMILY RESIDENTIAL, TO C-2, HIGHWAY COMMERCIAL, PROPERTY LOCATED AT THE NORTHEAST CORNER OF TRINITY ROAD AND ANDERSON ROAD (SCOTT AND SUSAN HANSEN).

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-007-O - AN ORDINANCE AMENDING CHAPTER 21 OF THE CITY CODE; AMENDING SECTION 21-5 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO UPDATE A REFERENCE TO THE STATE FIRE CODE AND REPEALING SECTIONS 21-24 AND 21-34 THEREOF.

COUNCILOR QUESTIONS AND COMMENTS
